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9			
10	UNITED STATES DISTRICT COURT		
11	NORTHERN DISTRICT OF CALIFORNIA		
12	OAKLAND DIVISION		
13	UNITED STATES OF AMERICA,) No. CR 09-00070 SBA		
14	Plaintiff, STIPULATION AND ORDER CONTINUENCE STATUS CONFEDENCE		
15	v.) CONTINUING STATUS CONFERENCE AND EXCLUDING TIME		
16	JEROME TOY SINCLAIR,		
17	Defendants.)		
18)		
19	Plaintiff, by and through its attorney of record, and defendant, by and through his		
20	attorney of record, hereby stipulate and ask the Court to find as follows:		
21	1. A status conference in this matter is currently scheduled for 9 a.m. on Tuesday,		
22	November 17, 2009.		
23	2. The parties request that this hearing be continued until 9 a.m. on Tuesday,		
24	December 1, 2009, in order to provide defendant's counsel with additional time to evaluate the		
25	evidence in this case and determine whether or not defendant should enter a change of plea or		
26	file motions and to prepare for trial in this matter.		
27			
28			

STIPULATION AND ORDER RESCHEDULING HEARING; EXCLUDING TIME

- 3. Specifically, defendant's counsel needs the continuance in order to review discovery with defendant, particularly additional discovery to be produced by the government regarding laboratory results, investigate the case, and develop a motions and/or trial strategy in light of the discovery. The parties believe that failure to grant the above-requested continuance would deny defendant's counsel and defendant the reasonable time necessary for effective preparation taking into account the exercise of due diligence and that the ends of justice served by continuing the case as requested outweigh the interest of the public and defendant in a trial within the date prescribed by the Speedy Trial Act.
- 4. Thus, the parties respectfully request that the Court find that the time period from November 17, 2009, to December 1, 2009, is excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (B)(iv) because it results from a continuance granted by the Court at the defendant's request and on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial and because failure to grant the continuance would unreasonably deny defense counsel the time necessary for effective preparation for trial, taking into account due diligence.

IT IS SO STIPULATED.

	JOSEPH P. RUSSONIELLO United States Attorney
Dated: November 13, 2009	GARTH HIRE Assistant United States Attorney
	Attorney for United States of America
Dated: November 13, 2009	JOYCE LEAVITT

Attorney for Defendant Jerome Toy Sinclair

ORDER

FOR GOOD CAUSE SHOWN, IT IS SO FOUND AND ORDERED THAT:

- 1. The currently scheduled November 17, 2009, status conference hearing is vacated. A status conference hearing is now scheduled for 9:00 a.m. on December 1, 2009.
- 2. The time period from November 17, 2009, to December 1, 2009, is deemed excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (B)(iv) because it results from a continuance granted by the Court at the defendant's request and on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial and because failure to grant the continuance would unreasonably deny defense counsel the time necessary for effective preparation for trial, taking into account due diligence.

DATED: <u>11/16/09</u>

HONORABLE SAUNDRA BROWN ARMSTRONG UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT JUDGE